

# **RULES OF THE STATE SOIL AND WATER CONSERVATION COMMISSION**

## **CHAPTER 600-9:**

### **PROCEDURES AND REQUIREMENTS FOR ELECTION OF SOIL AND WATER CONSERVATION DISTRICT SUPERVISORS**

#### **Chapter 600-9-1**

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#### **600-9-1-.01 - Authority**

The State Soil and Water Conservation Commission (the “Conservation Commission”) was created under the Soil and Water Conservation Districts Law, O.C.G.A. § 2-6-20, et seq. The Conservation Commission was created to serve as the Governor’s arm in carrying out the administrative functions necessary for the operation of the Soil and Water Conservation Districts program. O.C.G.A. §2-6-23 (d) authorized the Conservation Commission to promulgate rules and regulations as may be necessary for the execution of its functions. The Conservation Commission is authorized under O.C.G.A. § 2-6-27 to receive gifts, appropriations, materials, equipment, land and facilities and to manage and disperse same in support of soil and water conservation activities, and to assist, support and coordinate the activities of district supervisors in carrying out their powers and programs. OCGA 2-6-29, 2-6-30 and 2-6-31 established the guidelines pursuant to which the Commission is to facilitate the election of district supervisors, while OCGA § 2-6-30 (c) specifically provides that the Commission shall pay the costs of such elections, shall supervise the conduct thereof, should prescribe regulations governing the conduct of such election and the determination of the eligibility of voters therein, and shall publish the results thereof.

Authority O.C.G.A. §§ 2-6-23, 2-6-29, 2-6-30, and 2-6-31.

#### **600-9-1-.02 - Purpose and Scope**

The purpose of the Proposed Rules is to formally adopt, as part of the Commission Rules, procedures and requirements for election of district supervisors consistent with OCGA §2-6-23, 2-6-29, 2-6-30 and 2-6-31. Current law sets forth the general parameters governing the Commission's supervisory capacity for the election process for district supervisors and directs the Commission to establish specific regulations.

Authority O.C.G.A. §§ 2-6-23, 2-6-29, 2-6-30, and 2-6-31.

### **600-9-1-.03 - Definitions**

As used in these Rules, the term:

- (1) "Ballot" means any voting method as authorized by law and agreed upon by the Election Superintendent and the Commission.
- (2) "Commission" or "State Soil and Water Conservation Commission" means the agency created in Code Section 2-6-23.
- (3) "District" or "soil and water conservation district" means an agency of this State organized in accordance with OCGA § 2-6-20 et seq, with the powers, and subject to the restrictions set forth in OCGA § 2-6-20 et seq.
- (4) "Due notice" means notice published at least twice, with an interval of at least seven days between the two publication dates, in a newspaper or other publication of general circulation within the appropriate area or, if no such publication of general circulation is available, notice given by posting at a reasonable number of conspicuous places within the appropriate area, including, where possible, public places where it is customary to post notices concerning county or municipal affairs generally. For purposes of Commission Rule 600-9-1-.04, notices of elections for supervisors shall be provided such that: (i) The first notice shall be published not less than 30 days prior to the beginning of the general election qualifying period; and (ii) the second notice shall be published the week following the publication of the first notice. At any hearing held pursuant to such notice, at the time and place designated in such notice, adjournment may be made from time to time without the necessity of renewing such notice for such adjourned dates.
- (5) "Qualified elector" means any person qualified to vote in elections by the people under the Constitution of this state.

- (6) “Supervisor” means one of the members of the governing body of the soil and water conservation district, elected or appointed in accordance with this article
- (7) “Municipal office” means every municipal office to which persons can be elected by a vote of the electors under the laws of this state and the respective municipal charters.
- (8) “Precinct” means the room provided in each precinct for voting at a primary or election.
- (9) “Residence” means domicile.
- (10) “Superintendent” or “Election Superintendent” means: either the judge of the probate court of a county or the county board of elections; the county board of elections and registration; the joint city-county board of elections; the joint city-county board of elections and registration, if a county has such; or any other person designated by the Conservation Commission to conduct the election.

Authority O.C.G.A. §§2-6-23, 2-6-29, 2-6-30, and 2-6-31.

#### **600-9-1-.04 – Election Procedures and Requirements**

##### **I. General Information**

- A. The proposed Rules, which are subject to approval by the United States Justice Department, establish detailed guidelines for conducting elections for Soil and Water Conservation District Supervisors. Beginning in 2006, an annual cycle of elections will be established on the Tuesday after the first Monday in each November for supervisors whose election terms expire between that date and the Tuesday after the first Monday in November of the next year. Details of election procedures are set forth herein.
- B. All correspondence should be directed to:

Georgia Soil and Water Conservation Commission  
4310 Lexington Road  
P.O. Box 8024  
Athens, Georgia 30603  
ATTN: Executive Director

## II. Specific Regulations governing the conduct of elections.

### A. Timing of elections:

1. The Commission hereby establishes the Tuesday after the first Monday in November 2006 as the election date for district supervisors who presently have terms that expire between June 20, 2004, and the Tuesday after the first Monday in November 2007.
2. Beginning with the Tuesday after the first Monday in November 2007, there shall be an annual election held on the Tuesday after the first Monday in November of each year which shall be held for the election of district supervisors whose terms expire between the Tuesday after the first Monday in November of the year in which the election is held through the Tuesday after the first Monday in November of the next following year.

### B. Notice of Elections

1. The Commission shall provide due notice of each election as such is defined in Rule 600-9-1-.03.
2. The Commission shall monitor the expiration dates of district supervisor terms and shall provide notice to the district chairman and the regional representative (or other appropriate Commission designated representative) who shall notify the district supervisor whose term is to expire during the period covered by the next scheduled election. Such district supervisor shall be provided notice of the upcoming expiration of his or her term no later than 30 days prior to the beginning of the applicable general election qualifying period.;
3. The Commission shall also post notice of elections on its internet website no later than 30 days prior to the beginning of the next general election qualifying period;

### C. Conduct of Elections

1. The Commission may enter into a contract or other arrangement with an election superintendent to conduct an election of district supervisors in each county, as far as is practicable, in the manner of any other nonpartisan election in accordance with Title 21 of the Georgia Election Code. The Commission reserves the right to conduct any election in any county through the Commission's staff in the event the Commission determines

such is warranted. The Commission may enlist the election superintendent to handle the details of each election in each county, including but not limited to, procedures for the election superintendents to verify petitions of nomination, verify voter eligibility, carry out absentee balloting, handle vote tabulation and certification of election results, and handle any grievances claimed by candidates.

#### D. Nomination of Candidates

1. Any person seeking nomination to be elected as district supervisor shall provide to the applicable Election Superintendent, as agent for the Commission, a petition containing the names of not less than twenty-five (25) qualified electors. Such petition must be physically received by the applicable Election Superintendent in his/her office by the deadline for the general election qualifying period.
2. The Commission shall notify each person nominated for election within 14 days of verification of the nominee's petition by the Election Superintendent.

#### E. Ballots and Tabulation of Ballots

1. Candidates shall be listed on the ballot alphabetically by their surnames, and the incumbent, if applicable, shall be identified.
3. The ballots for each county shall contain only the nominees from that county and the electors of each county shall be eligible to vote only for the nominees in their particular county. The names of all nominees within the county who have qualified during the general election qualifying period, shall appear upon the ballots arranged in alphabetical order of their surnames.
4. The nominee(s) receiving the highest number of votes shall be declared the duly elected district supervisor(s) from that county.
5. In the event of a tie in vote tabulation, there shall be a special run-off election held four (4) weeks from the date of the initial election, consistent with the election guidelines set forth in these Rules.
6. The election superintendent shall certify the election results within 72 hours of the election.

F. Absentee Ballots and Write-in Candidates

1. Absentee balloting and write-in candidates shall be permitted in accordance with Title 21 of the Georgia Election Code.

G. Additional Provisions

1. Posting of Elected Supervisor Positions. Within a reasonable time after adoption of these rules and following each election, the Commission shall post a list of all elected supervisor positions, expiration dates and incumbents by district on the Commission's website. The Commission shall also post a printable copy of the candidate nomination form on the Commission's website.
3. Computation of Time. Unless otherwise stated in a specific Code section of this chapter, time periods under this chapter include Saturdays, Sundays, and legal holidays. When the last day for the exercise of any privilege or the discharge of any duty prescribed or required by this chapter shall fall on a Saturday, Sunday, or legal holiday, the next succeeding business day shall be the last day for the exercise of such privilege or the discharge of such duty.

H. Approval

- A. The effectiveness of these rules shall be contingent upon the approval by the United States Department of Justice. In the event one or more provisions of these Rules are disallowed by the United States Department of Justice, the remaining Rules shall nevertheless become effective as approved by the United States Department of Justice.

III. Repeal of Conflicting Rules

- A. Any Rule or Regulation of the Commission which is in any way inconsistent with the provisions of these Rules set forth in Chapter 600-9 is hereby repealed and rescinded.

#### IV. Liability

- A. Risk Management - The Conservation Commission designates the Georgia Department of Administrative Services as its risk management agent for purposes of these Rules.

Authority O.C.G.A. §§ 2-6-23, 2-6-29, 2-6-30, and 2-6-31.